

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE EDWARD ANDREWS GROUP, INC., :

Plaintiff, : 07 Civ. 4607

-against- : (LTS) (AJP)

ADDRESSING SERVICES COMPANY, INC., :

Defendant. :

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January 23, 2008

10:04 a.m.

Deposition of **MICHAEL RITTLINGER**, taken by  
Plaintiff, pursuant to Order, held at the offices  
of Robinson Brog Leinwand Greene Genovese &  
Gluck, P.C., 1345 Avenue of the Americas, New  
York, New York, before Amy A. Rivera, a Certified  
Shorthand Reporter and Notary Public within and  
for the State of New York.

1 M. Rittlinger

2 been -- it could have been Charlie Alfano. I'm  
3 seeing Jeff Schwartz -- I don't know. I'm not  
4 sure who produced these.

5 Q. You say you notice Jeff Schwartz, who  
6 was the notary on at least one of these releases,  
7 is that correct?

8 A. Yep.

9 Q. Who is Jeff Schwartz, to your  
10 knowledge?

11 A. He was the lawyer representing Jeff  
12 Klein.

13 Q. Were you present when any of these  
14 releases was executed?

15 A. I don't remember.

16 Q. Do you recall if there was a meeting  
17 to get things done so that you could move  
18 forward, part of which involved signing releases?

19 A. I don't -- I don't think there was a  
20 meeting face to face. There was certainly  
21 telephone conversations and, you know, I, you  
22 know, clearly remember Jeff Klein would not and  
23 Tim Brog would not move ahead unless releases  
24 were signed. You know, again, this had to be  
25 done, you know, for the deal to move forward, the

1 M. Rittlinger

2 releases; yeah.

3 Q. To your knowledge, did the Edward  
4 Andrews Group threaten legal action against Jeff  
5 Klein?

6 A. They did.

7 Q. To your knowledge, did the Edward  
8 Andrews Group threaten litigation against anyone  
9 else?

10 A. Tim basically was going to sue  
11 everyone and -- and we were at a standstill for  
12 weeks, maybe months. And again, Jeff -- Jeff  
13 wasn't going to move ahead unless every party was  
14 release protected and that included himself, his  
15 father, Burke, Welte, ASCO, Tim. Everyone was --  
16 everyone had to be released. That was it. There  
17 was no ands, ifs, or buts about it. The guy  
18 wasn't going to move ahead unless everyone was  
19 protected.

20 Q. And by "protected" in that answer, you  
21 mean that everyone received a copy of a release,  
22 releasing everybody, is that correct?

23 A. Everyone there should have had a copy  
24 of releases from Tim Brog, from ASCO, from Jeff  
25 Klein, Steve Welte, Jeff Burke and Dave Klein.

1 M. Rittlinger

2 Otherwise it wasn't going -- moving ahead.

3 Q. And does Rittlinger Exhibit 2 contain  
4 all of the releases necessary for the deal to  
5 move ahead?

6 A. Could I talk out loud? Okay, I won't.

7 MR. FISHER: If there's something you  
8 don't understand, you can certainly explain  
9 what it is that you're struggling with.

10 A. This is Jeff Klein, Dave Klein, Burke,  
11 Welte. There should be Mike Rittlinger or ASCO.  
12 I think this is all of them except for me. But  
13 this would be all of them for Welte, Burke and  
14 Brog and Klein.

15 MR. FISHER: Mr. Burger, may I ask  
16 Mr. Rittlinger to leave the room for a  
17 moment so that I may say something on the  
18 record? I don't want it to influence his  
19 testimony in any way, which is why I prefer  
20 for him to leave the room.

21 MR. BURGER: Well, at the next break,  
22 you can make any statement that you want on  
23 the record, and we'll do that.

24 MR. FISHER: Okay.

25 Q. Do you recall ever signing a release

1 M. Rittlinger

2 in early 2004 on behalf of ASCO?

3 A. I had to.

4 Q. I'm not asking you to assume what must  
5 have been the case based on your general  
6 understanding. I'm asking if, and I understand  
7 it was several years ago, but I'm asking if as  
8 you sit here today, do you recall ever signing a  
9 release on behalf of ASCO?

10 A. I had to. I can't say that I recall  
11 -- I can't say that I remember, but I had to.

12 Q. Now, in January 2004 -- we're done  
13 with the releases for a moment -- in January  
14 2004, did you enter into -- did ASCO enter into  
15 any other written agreements with the Edward  
16 Andrews Group?

17 A. We had the consulting agreement and we  
18 also had the investment broker -- whatever,  
19 investment broker agreement.

20 Q. Referring to what was previously  
21 marked in this litigation as Brog Exhibit 15, is  
22 that a copy of your agreement that you just  
23 referred to?

24 A. Yeah.

25 Q. And does your signature appear on the